

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

**WILLIAM WISE MURRAY,**

**Petitioner,**

**v.**

**Civil Action No. 2:05cv96**

**JOYCE FRANCIS, Warden,**

**Respondent.**

**ORDER**

It will be recalled that the Petitioner filed an application for leave to proceed *in forma pauperis* on December 30, 2005. On January 23, 2006, Magistrate Judge James E. Seibert filed a Report and Recommendation, wherein the Petitioner was directed, in accordance with 28 U.S.C. § 636(b)(1), to file with the Clerk of Court any written objections within ten (10) days after being served with a copy of the Report and Recommendation. In his Report and Recommendation, Magistrate Seibert recommends that the Petitioner's application for leave to proceed *in forma pauperis* be denied as moot as Petitioner paid the \$5 filing fee on January 18, 2006.

Upon examination of the report from the Magistrate Judge, it appears to the Court that the issue of whether Petitioner should be allowed to proceed *in forma pauperis* was thoroughly considered by Magistrate Judge Seibert in his Report and Recommendation and is properly deemed as moot. Moreover, the Court, upon an independent de novo consideration of all matters now before it, is of the opinion that the Report and Recommendation accurately reflects the law applicable to the facts and circumstances before the Court in this action on the Petitioner's application for leave to proceed *in forma pauperis*. Therefore, it is

**ORDERED** that Magistrate Judge Seibert's Report and Recommendation be, and the same hereby is, accepted in whole. Accordingly, it is

**ORDERED** that the Petitioner's application for leave to proceed *in forma pauperis* shall be, and the same hereby is, **DENIED as moot**.

**ENTER:** September 29<sup>th</sup>, 2006

A handwritten signature in black ink, appearing to read "Robert E. Maxwell", written over a horizontal line.

United States District Judge